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16 Attorneys for Plaintiffs

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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION

21 ANGEL FRALEY; PAUL WANG; SUSAN  
22 MAINZER; JAMES H. DUVAL, a minor,  
23 by and through JAMES DUVAL, as  
24 Guardian ad Litem; and W.T., a minor, by  
25 and through RUSSELL TAIT, as Guardian  
26 ad Litem; individually and on behalf of all  
27 others similarly situated,

28 Plaintiffs,

v.

FACEBOOK, INC., a corporation; and  
DOES 1-100,

Defendants.

Case No. CV 11-01726 LHK

DECLARATION OF STEPHEN  
BROBECK IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT

Date: July 12, 2012  
Time: 1:30 p.m.  
Courtroom: 8  
Judge: Hon. Lucy H. Koh  
Trial Date: December 3, 2012

28 DECLARATION OF STEPHEN BROBECK IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Case No. CV 11-01726 LHK

1 I, Stephen Brobeck, hereby state and declare:

- 2 1. I am Executive Director and CEO of the Consumer Federation of America (CFA) and have  
3 been since the spring of 1980 at the decision of the CFA Board of Directors. My biography  
4 is attached as Exhibit 1. I make this Declaration in support of Plaintiffs' Motion for  
5 Preliminary Approval of Class Action Settlement.
- 6 2. CFA is a non-profit, 501(c)(3) corporation founded in 1968. The main office of CFA is at  
7 1620 I Street, NW, Suite 200, Washington, DC 20006. The phone number is 202-387-  
8 6121. The website URL is consumerfed.org.
- 9 3. CFA's mission, as a non-profit public policy organization, is to advance the consumer  
10 interest through research, advocacy and education. CFA's some 270 non-profit members,  
11 who elect the Board of Directors and establish its policy positions, include a broad range of  
12 organizations, including Consumers Union (Consumer Reports), the National Consumer  
13 Law Center, AARP, over 100 state and local consumer groups and over 100 consumer  
14 cooperatives, including many credit unions and rural electric cooperatives.
- 15 4. CFA's 24 staff members are supported by a budget of nearly \$3 million annually,  
16 specifically, \$3.3 million in 2009, \$2.7 million in 2010, and 2.7 million in 2011. Our  
17 annual financial reports are independently audited and reviewed and approved by the CFA  
18 Board of Directors, which reviews organizational finances at its three meetings each year.  
19 A current list of Board members is attached as Exhibit 2.
- 20 5. I am familiar with the issues in this case and believe that the settlement agreed upon  
21 between Facebook and Plaintiffs is a fair settlement that will bring excellent relief to the  
22 class.
- 23 6. For several decades, scholars have identified CFA as one of the nation's most influential  
24 consumer organizations. During this period, for example, CFA and Consumers Union each  
25 have been asked by the U.S. Congress to give testimony far more often than any other  
26 consumer organization. In recent years, CFA played an instrumental role in successfully  
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**DECLARATION OF STEPHEN BROBECK IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Case No. CV 11-01726-RW

advocating legislation and regulation with significant new consumer protections. These measures include:

- a. The Dodd-Frank Wall Street Reform and Consumer Protection Act (2010), which represents the most substantial restructuring of financial regulation since the Great Depression. CFA's extensive efforts to support this legislation included leadership of coalition efforts, grassroots organizing, supportive research and analysis, traditional and social media communications and communications with congressional leaders and the Administration. CFA was one of the primary groups with which Senator Dodd and Congressman Frank communicated about the consumer provisions of their legislation.
- b. The Consumer Product Safety Improvement Act (2008), which greatly strengthened consumer product safety protections through increased funding for the Consumer Product Safety Commission, greater public access to data about unsafe products and more effective testing of dangerous products. With Consumers Union, CFA helped lead the coalition of consumer groups that successfully urged Congress to approve this legislation. As well as this leadership, our work included building a case for these and other reforms, talking frequently with the news media and proposing and reviewing provisions.
- c. Net Neutrality Requirements (2010), which the Federal Communications Commission approved to prohibit internet providers from blocking or impairing consumer access to content and services on the Web. Over a two-year period, CFA communicated frequently with congressional leaders, with the White House and with FCC members, including the Chairman, to persuade the FCC to issue the strongest possible requirements that were politically feasible and to dissuade Congress from passing legislation that would have rolled back these requirements.

7. In the area of commercial use of consumer's personal information for advertising and other purposes, since 2007 CFA has played a leadership role in advocating for government and industry policies that would set appropriate limitations and provide meaningful transparency and consumer control.
    - a. For example, CFA was among the groups that in 2007 conceived and proposed to the Federal Trade Commission (FTC) the concept of a Do Not Track tool that consumers could use to control online behavioral advertising. The FTC was ultimately persuaded to endorse this concept, encouraging browser manufacturers to incorporate Do Not Track tools and spurring the Do Not Track standard-setting work currently taking place within the World Wide Web Consortium.
    - b. CFA also worked with other groups to develop a Legislative Primer for Online Behavioral Tracking and Targeting and has testified in Congress on this issue.
    - c. In numerous comments to the FTC, Department of Commerce and Congress, CFA has advocated and continues to work for strong legal protections against unfair commercial use of information about consumers, online or offline and effective consumer controls. CFA had significant influence on the Consumer Privacy Bill of Rights, principles issued by the White House earlier this year, and is working with other groups to urge that these rights be enacted into law.
    - d. In relation to social media, CFA joined with other groups in several complaints to the FTC about changes in Facebook's privacy policies. These complaints helped to persuade the FTC to take action, resulting in a significant settlement with the company to ensure that it keeps its promises to consumers about the use of their personal information and asks for their consent before using this information in ways not previously disclosed.

1           b. We look forward to utilizing what we have learned from this campaign, and  
2           many other educational and social marketing initiatives, to encourage consumer  
3           users of social media to make more informed decisions. We would use national  
4           networks, starting with our 270 nonprofit member groups, and traditional news  
5           media, which report on our work and quote our experts daily, to undertake this  
6           education. That would include disseminating, through all three communications  
7           vehicles, the findings of national surveys of consumer knowledge and opinion  
8           about social media policies and practices.

9           I declare under the penalty of perjury under the laws of the State of California that the  
10          foregoing is true and correct, and that if called upon to testify, I could verify the accuracy of the  
11          same. This document was executed on July \_\_\_, 2012 in Washington, D.C.

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16           Stephen Brobeck  
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